



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,169	05/22/2001	Masaya Matsuura	397.33.01	8803

22242 7590 01/27/2005

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,169

Applicant(s)

MATSUURA ET AL.

Examiner

Andrew C Flanders

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tektronix (Oscilloscope TDS 300 Series Manual).

3. Regarding Claims 1, 6, 9 and 15, Tektronix discloses an oscilloscope with two BNC inputs which accept electrical signals for display (page 2-7) (i.e. means for analyzing an audio signal), and a screen which displays the input waveform (*audio signal*) applied to the inputs (page 2-6) (i.e. means for generating a line drawing image based on a result of an analysis of said audio signal).

4. Regarding Claims 2, 10 and 16, in addition to the elements stated above regarding claims 1, 9 and 15, Tektronix further discloses that using the Fast Fourier Transform, you can transform a waveform from a display of its amplitude against time to one that plots the amplitudes of the various discrete frequencies the waveform contains (pages 3-31 – 3-39) (i.e. said means for analyzing an audio signal performs a frequency analysis of an audio signal for a certain period of time and said means for generating a line drawing image generates a predetermined line drawing image based on a result of said frequency analysis of said audio signal).

5. Regarding claim 3, in addition to the elements stated above regarding claim 1, Tektronix further discloses a Measurement definition of amplitude (Table 3-1 p. 3-20) (i.e. said means for analyzing an audio signal performs an amplitude analysis of an audio signal for a certain period of time) and producing a display of the measured waveform (page 2-6) (i.e. said means for generating a line drawing image generates a predetermined line drawing image based on a result of said amplitude analysis of said audio signal).
6. Regarding Claims 4, 7, 13 and 19, in addition to the elements stated above regarding claims 1, 6, 9 and 15, Tektronix further discloses a display with a waveform drawing of amplitude vs time and a waveform drawing amplitude vs. frequency, the three dimensions being amplitude, frequency and time (page 3-32) (i.e. wherein said line drawing image comprises a three-dimensional line drawing image).
7. Regarding Claims 5, 8, 14 and 20, in addition to the elements stated above regarding claims 4, 7, 13 and 19, Tektronix further discloses a display with a waveform drawing of amplitude vs time on a single screen (i.e. a substantially linear line drawing image extending between a right side and a left side on a display screen) and a waveform drawing amplitude vs. frequency (*non linear*) the three dimensions being amplitude, frequency and time (i.e. said three-dimensional line drawing image and a non linear line drawing image based on a result of an analysis of said audio signal, said non-linear line drawing image being included in said substantially linear line drawing image).

Art Unit: 2644

8. Regarding Claims 11 and 17, in addition to the elements stated above regarding claims 9 and 15, Tektronix further discloses that using the Fast Fourier Transform, you can transform a waveform from a display of its amplitude against time to one that plots the amplitudes of the various discrete frequencies the waveform contains (pages 3-31 – 3-39) (i.e. performing a Fast Fourier transformation to detect a frequency spectrum from an audio signal for a certain period of time), an automatic measuring system that will determine a maximum and minimum amplitude over an entire waveform or gated region (p 3-19) (i.e. detecting a plurality of peak values in each of a frequency range equal to or higher than a predetermined frequency and a frequency range lower than said predetermined frequency range in said detected frequency spectrum), a scale adjustment for an FFT display (p 3-32) (i.e. extracting a predetermined number of largest peak values from said detected peak values and determining an order of arrangement in each of said frequency range equal to or higher than said predetermined frequency and said frequency range lower than said predetermined frequency range and said step of generating a line drawing image comprises the step of generating a predetermined line drawing image based on said determined order of arrangement).

9. Regarding Claims 12 and 18, in addition to the elements stated above regarding claims 9 and 15, Tektronix further discloses that using the Fast Fourier Transform, you can transform a waveform from a display of its amplitude against time to one that plots the amplitudes of the various discrete frequencies the waveform contains (pages 3-31 – 3-39) and an automatic measuring system that will determine a maximum and minimum amplitude over an entire waveform or gated region (p 3-19) (i.e. said step of analyzing

Art Unit: 2644

an audio signal comprises the steps of extracting a predetermined number of largest peak values from peak values of amplitudes of sounds in an audio signal for a certain period of time) a cycle mean measurement calculation (page 3-20) (i.e. calculating gradients between respective adjoining peaks corresponding to said extracted peak values to determine a combination of gradients comprising a positive gradient and or a negative gradient) and displaying the cycle mean on a screen (page 3-18) (i.e. said step of generating a line drawing image comprises the step of generating a predetermined line drawing image based on said combination of gradients comprising a positive gradient and/or a negative gradient).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gilbert (US 2002/0008702), Miller (US 6,151,010), Effinger (US 4,887,197), Lampkin (US 3,892,478), Geary (US 4,196,461), Molinaro (US 4,614,942), Blackburn (US 4,972,305), Kiltz (US 5,191,319), Vergara (5,280,742), Taaffe (US 5,313,276), Solomon (US 5,818,342), Hardiman (US 6,233,086)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Flanders whose telephone number is (703) 305-0381. The examiner can normally be reached on M-F 8:30 - 5:00.

Art Unit: 2644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

acf